



Department
for Education

Introducing national standards for independent and semi-independent provision for looked-after children and care leavers aged 16 and 17

Government consultation

Launch date 24 May 2021

Respond by 19 July 2021

Contents

Introduction and context	3
About this consultation	6
The difference between care and support – are we using the right indicators?	8
Defining ‘unregulated’ independent and semi-independent provision – should we call all of this provision ‘supported accommodation for older children’?	12
What does the best of this provision look like?	13
Introducing national standards for independent and semi-independent provision that accommodates 16 and 17 year old looked-after children and care leavers	15
Introducing Ofsted-led registration and inspection of independent and semi-independent provision	17
List of consultation questions	Error! Bookmark not defined.
Annex A: indicators of ‘care’ or ‘support’	21
Annex B: The proposed national standards	25

Introduction and context

The Department for Education is seeking views on proposed national standards for independent and semi-independent 'unregulated' provision for looked-after children and care leavers aged 16 and 17, and potential models for registering and inspecting them. This builds on our [consultation](#) last year, through which over 70% of respondents supported the introduction of national standards and an Ofsted-led registration and inspection regime.

Looked-after children and care leavers are often some of the most vulnerable children and young people in society, and we must work together to do all that we can to ensure that they have access to suitable, safe, and secure accommodation that can meet their needs and keep them safe. For most children, this is best achieved through a placement in foster care or a children's home, for which there are already robust approaches to approving, registering and quality-assuring provision. However, for some older children aged 16 or 17, a placement in independent or semi-independent living arrangements can be the best option to meet their needs, with the aim of supporting young people to develop their independence ahead of leaving the care system and embarking on adult life. The Government is clear that this type of provision is not automatically the right choice for children aged 16 and 17 – where children of this age have needs that would best be met in a children's home or foster care placement, that is where they should be placed.

We must ensure that there is a high-quality form of provision in the care system focussed on supporting older children to develop their independence. This is becoming increasingly important as more older children come into the care system. Local authorities are already required to check that provision is suitable and meets the needs of young people before placing them in independent and semi-independent provision, and many placements do this well. However, the absence of national standards and independent regulation of this sector has led to inconsistencies in the quality of provision. Providers do not currently operate to a shared set of expectations on quality of accommodation and support, and this can make it difficult for local authorities to choose the right provider to meet the needs of a young person, particularly in situations where decisions have to be made and placements have to be sourced quickly.

We already set a high bar for the level of care that must be delivered in a children's home or by a foster carer. This gives both the provider and the commissioner of these placements confidence that placements are high quality. We believe that we should pursue this for independent and semi-independent provision for 16- and 17-year-olds.

Introducing national standards and Ofsted-regulation for this provision would increase local authorities' confidence in the quality assurance of placements, improve our ability to monitor and increase the quality of this provision and take action where it is not good

enough, and crucially give our young people the high-quality support and accommodation that they deserve.

Any new regime, in whatever form, would represent major change for local authorities and providers. We are committed to designing this regime in partnership with the sector and care experienced children and young people. We recognise that there will be challenges as we embark on the regulation of a sector that has long been subject to more freedoms and flexibilities than the rest of the children's social care system. In some cases, this has led to local authorities and providers developing and delivering innovative packages of support for young people that responds to the changing needs of the population of looked-after children and care leavers over time – we will want any new regime to foster this, learning from and building on the best that already exists. This consultation invites input on this.

However, as with any new regulatory regime, we are likely to see some changes in the makeup of this sector. We are developing new quality standards to raise the bar for this provision – there will inevitably be some providers who do not wish to operate in the new system and, in turn, there will be others who welcome regulation and seek to expand their offer. Through consultation with the sector, we must focus on getting the balance of this right. We must be ambitious and require the very best for our children and young people, while being measured and ensuring that standards and regulation are proportionate.

Legal context – what are independent and semi-independent settings?

Local authorities have statutory duties to meet the needs of children they look after and to ensure that there is sufficient accommodation. The Children Act 1989 sets out the ways in which looked-after children and care leavers are to be accommodated and maintained by their local authority. Local authorities place most of the children they look after in foster care or in a registered children's home. Local authorities can however place children in placements in accordance with 'other arrangements'. Where local authorities place children in other arrangements, they must ensure that they are suitable and meet the needs of the young person.

Independent and semi-independent 'unregulated' placements are one type of setting that fall under 'other arrangements' placements – in practice, these are mostly settings that deliver accommodation with varying levels of support for the young people accommodated. Many of the other settings that fall under 'other arrangements' are regulated in some way already – for example, residential special schools. We expect to exempt these types of setting from any future new regulatory regime as they are already regulated through other programmes of inspection and monitoring.

Who this is for?

- Providers of supported accommodation
- Local authorities
- Children's social care workforce
- Relevant national public, private and charitable sector organisations

Issue date

The consultation was issued on 24 May 2021.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on 0370 000 2288 and ask for the Children's Social Care unregulated policy team or email: CSCUnregulated.CONULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the DfE Contact us page. Additional copies are available electronically and can be downloaded from GOV.UK DfE consultations.

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Autumn 2021.

About this consultation

The Department for Education is consulting on proposals which will affect providers of independent and semi-independent provision for looked-after children and care leavers aged 16 and 17, and local authorities placing children and young people in these settings.

The Department for Education is inviting views on:

- The key indicators of whether a provider is delivering 'care' or 'support' to inform the development of stronger guidance on this as we begin to regulate independent and semi-independent provision.
- How best to define this provision in future and whether 'supported accommodation for older children' is the best descriptor.
- What the best provision in this sector looks like and therefore what needs to be accounted for in new national standards.
- A proposed suite of national standards, their impact, and the associated costs.
- How settings should be regulated by Ofsted.

We will use the findings of this consultation to develop national standards and Ofsted-led registration and inspection of independent and semi-independent provision.

This consultation will be open to the public for 8 weeks. We have also published a separate version of this consultation, which is aimed at children and young people. This consultation can be found at: <https://consult.education.gov.uk/children-in-care-and-permanence/introducing-national-standards-for-unregulated-acc>

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

If you are not responding via the online survey, please can you ensure you provide:

- Your name

- Relevant contact details
- Whether you are responding as an individual or on behalf of an organisation
- Whether you would like your responses to be kept confidential within your response.

By email

CSCUnregulated.CONSULTATION@education.gov.uk

By post

Ali Mills
Department for Education
3rd Floor, 2 St Paul's Place,
Sheffield
S1 2FJ

Deadline

The consultation closes on 19 July 2021.

The difference between care and support – are we using the right indicators?

Any setting that ‘delivers care and accommodation wholly or mainly for children’ must register as a children’s home under the Care Standards Act 2000. The implication of this is therefore that any independent or semi-independent unregulated setting must not be providing care along with accommodation wholly or mainly for children, otherwise it would need to register as a children’s home. In practice, this has led to a critical distinction between children’s homes and independent/semi-independent settings in that children’s homes deliver care, and independent/semi-independent settings do not, and deliver ‘support’ only. Over time we have worked to clarify what the practical differences are between ‘care’ and ‘support’. This has largely been for the purpose of identifying which settings are legally required to register as children’s homes because they deliver ‘care’, and which settings are not because they deliver ‘support’ only and do not deliver care.

In practice, we know that local authorities and providers of accommodation for young people do not always see ‘care’ and ‘support’ as mutually exclusive things and that many see support for older children as something which sits on a broad spectrum of different forms of care. Many describe the journey for a child as a continuum of care and support, where their needs for higher forms of care reduce as they get older and become more independent. In reality, a young person’s needs can change and fluctuate over time and we want to avoid a situation where any future legal framework necessitates children being moved to different settings if, for example, their demand for care temporarily increases.

Our research in 2019 highlighted that there is still a degree of confusion in the sector on this issue, and we consulted last year on proposals to better define what we mean by ‘care’ in the Care Standards Act 2000 to make this clearer. As we set out in our response to the consultation, we believe that we can achieve this instead by regulating independent and semi-independent provision – meaning we more strongly define these settings and what we expect of them. As part of this, the Government will develop much stronger guidance for local authorities and providers on the key distinctions between ‘care’ and ‘support’ alongside the development of national standards. This will aim to give providers clarity on what to register their service as in future, and give local authorities clarity on what level of support/care they can expect from different types of provider. This will ultimately ensure that children and young people have a range of placement options available to meet their needs. As above, we need to deliver any change in a way that avoids unnecessarily disrupting care placements for children when their needs temporarily change or increase.

Ofsted have already established a series of indicators that they use to determine whether a setting needs to register as a children's home or does not need to because its service would not constitute care under the Care Standards Act 2000. We intend to use this as the basis for further guidance on this issue as we develop national standards for independent and semi-independent provision. We want to hear your views on whether these indicators look like the right ones and whether any important ones are missing. These indicators are set out at Annex A. These indicators are not exhaustive, and your input on them will be used to inform the development of more extensive guidance alongside the development of national standard and Ofsted-regulation. We will work closely with Ofsted as we develop this guidance.

The existing indicators are not currently set out in statutory guidance and have been developed through practice – we believe that these provide a sensible starting point for the development of more robust guidance. They focus heavily on the autonomy and responsibility that a young person has for their own care and for making important decisions about their own welfare. In independent and semi-independent living arrangements, young people are afforded considerably more of this than would be expected in a children's home.

1) To what extent do you believe that each of these indicators is helpful in determining whether a provider is delivering 'care' or 'support'?

Please tick one box for each indicator

	Very Helpful	Helpful	Neither helpful nor unhelpful	Unhelpful	Very unhelpful
Can young people go out of the establishment without staff's permission?					
Do young people have full control of their own finances?					
Do young people have control over what they wear and the resources to buy clothes?					
Are young people in charge of meeting all of					

their health needs, including such things as arranging GP or specialist health care appointments? Are young people in full control of their medication?					
Do staff have any access to any medical records?					
Can young people choose to stay away overnight without first seeking permission?					
Is there a sanctions policy that goes beyond house rules and legal sanctions that would be imposed on any adult?					
If the establishment accommodates both adults and young people, do those under 18 have any different supervision, support, facilities or restrictions?					
Are there regularly significant periods of time when young people are on the premises with no direct staff supervision?					
Do staff have any responsibility for aftercare once a young person has left?					

Does the establishment's literature promise the provision of care or relate to specific care support provided to all residents?					
Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment?					

2) Please explain your answer

Defining ‘unregulated’ independent and semi-independent provision – should we call all of this provision ‘supported accommodation for older children’?

We are seeing views on national standards and an Ofsted-led registration and inspection regime for providers of independent and semi-independent settings. While these settings are already subject to locally agreed checks and balances by individual local authorities, now is the right time to establish this at a national level. The detail of these proposals is set out later in this consultation document.

Introducing a new regulatory regime for this type of provision means that this provision will no longer be ‘unregulated’. We know that many in the sector find this term unhelpful and will be pleased to see its use ended. Even in the absence of national-level regulation of this type of provision, we know that many local authorities and providers have strong local approaches in place to quality-assuring these settings and the use of them. Any new national regime will need to account for this, building on the best that already exists.

The planned introduction of national regulation of this provision provides us with an opportunity to redefine it, to better reflect the best of this provision. We have long referred to this provision as ‘independent and semi-independent living arrangements’ for the purposes of data collection, and we know that at a local level many different terms are used interchangeably to describe this provision – examples include supported accommodation, sharing housing, shared accommodation and lodgings. It is clear, through our research, consultation and extensive engagement with the sector over recent years that most of these terms describe different forms of accommodation with differing levels of support for the young people placed. Even where the term ‘independent provision’ is used, this almost always includes some form of onsite or floating support from the local authority and/or provider.

As we develop plans for national regulation of this provision, we propose to define all of this provision in future as supported accommodation for older children. We believe that this is the most accurate term to describe this provision.

3) Do you agree that the Government should define all of this provision as ‘supported accommodation for older children’ in future?

Yes / No / Not Sure

4) Please explain your answer, including any alternative suggestions

What does the best of this provision look like?

Every child and young person has different needs based on their background, their experiences and their interests. For looked-after children and care leavers, making sure they are in the right placement, which offers the right level of support, is a crucial part of this. We know that the independent and semi-independent provision sector is hugely diverse in terms of the type of provision, its structure and what it offers to young people. We also know that one of the potential consequences of introducing national standards and regulation into a sector that does not currently have this at a national level could be the over-standardisation of settings, where requirements are too rigid to allow for different forms of provision within the same regulatory regime.

An example of the level of diversity in this sector is the provision of 'supported lodgings' and the provision of 'shared housing'. Supported lodgings often involves a young person being accommodated in a family home, where they can receive support and guidance from the family accommodating them, but this is not a fostering arrangement as the family is not responsible for the young person's full-time care. Shared housing often involves a young person being accommodated in a setting with other young people, whom each have their own living areas, often with shared communal areas for socialising and cooking meals, but there is usually some form of on-site staff support where young people can go for guidance and advice. Both of these types of arrangement can be good options to meet the individual needs of different children and young people. We must ensure that any new national standards and Ofsted-regulation allows for these different forms of provision while increasing the level of quality across the board.

Through this consultation, we are keen to further develop our assessment of these different types of provision that exist within the independent and semi-independent sector, how often they are used, and whether national standards need to be applied equally to all of them. This is critical in maintaining the balance between raising the bar for all of these types of provision and being proportionate so as not to introduce unnecessary barriers for good providers who want to deliver support and accommodation to looked-after children and care leavers.

5) Please provide examples of the types of independent or semi-independent provision that exist in the sector. For local authorities responding, this may be types of provision that you commission or, for providers, this may be a description of the service you offer. We are keen to hear a range of perspectives on this. These may be broad categories of provider types or bespoke examples. Please provide as many details as possible, including:

a. What do you call the type of provision(s) that you use/deliver?

- b. Could you tell us about the provision, including who the provision accommodates, and how the needs of those accommodated are met through different forms of support?**
- c. What are the positive features and characteristics of the provision that you would want to retain in future?**
- d. What are the negative features and characteristics of the provision that you would not want to retain in future?**

In addition to this, one area that we are particularly interested in hearing about is the delivery of 'independent living' provision, and whether this provision is ever truly independent in the sense that young people do not receive any care or support.

- 6) Are there examples of where it would be appropriate to place a looked after child or care leaver aged 16 or 17 in a setting that does not deliver any care or support?**

Yes / no / not sure

- 7) Please explain your answer**

Introducing national standards for independent and semi-independent provision that accommodates 16 and 17 year old looked-after children and care leavers

In February 2021, following strong support received through our consultation last year, we announced that we will seek to introduce national standards for independent and semi-independent provision that accommodates 16 and 17 year old looked-after children and care leavers.

While there is high quality independent and semi-independent provision, our research and consultation over recent years has shown that it is not consistent enough and there are too many examples of children and young people being placed in settings that do not meet their needs and, in some cases, keep them safe. Good quality independent and semi-independent provision is playing an increasingly important role in ensuring that we have a range of good quality options available to meet the range of needs older looked-after children and care leavers have. We must take steps to ensure that providers are held to account, that quality is consistently good, and that we can take action where it is not as good as we expect.

Through our consultation last year, we sought views from the sector and care experienced young people on the broad areas that we expect national standards to cover. We have taken this input on board and have developed a suite of proposed national standards that we would require all providers of independent and semi-independent provision to follow. These are set out at Annex B.

The proposed standards focus on setting out a minimum level of service to be provided to all young people in these settings. As set out earlier in this consultation, we recognise that there may be practical challenges with applying these standards to some of the types of settings that currently exist. We want to hear about these examples, and why national standards would not work for them, and whether that is acceptable or not.

- 8) Are the proposed national standards missing anything that you would expect of any provider of independent and/or semi-independent provision?**
- 9) Are there any elements of the proposed national standards that you think would be difficult for providers to implement? If yes, why?**

We know that the introduction of national standards is likely to carry costs for providers and local authorities and we want to ensure that the potential cost impact is properly assessed before proceeding with the introduction of the new system.

- 10) Which elements of the proposed national standards do you expect would carry the most significant costs? Please explain your answer, providing estimates of cost where possible.**

11) How much do you expect the costs of provision to increase by if these national standards are introduced? Please explain your answer, providing estimates of cost where possible.

Introducing Ofsted-led registration and inspection of independent and semi-independent provision

We received strong support through our consultation last year for an Ofsted-led registration and inspection regime for independent and semi-independent providers. The vast majority of respondents favoured this when compared to local authority-led regulation, as a more robust means of holding providers to account and ensuring that this is carried out in an independent way, with regulatory action being taken where providers are not meeting national standards and expectations.

In February we confirmed that we would be proceeding with introducing an Ofsted-led regime to oversee national standards. Alongside developing the national standards, we need input from the sector and care experienced young people on exactly what this new regime should look like.

There is a spectrum of regulation and we must implement a system where Ofsted are able to take appropriate action to hold providers to account and uphold strong quality standards in the system, while also being proportionate, recognising that this provision is different to children's homes and therefore the way we regulate it should likely be different. Ofsted does not currently have a role in overseeing the quality of providers of independent and semi-independent provision. We will need to consider the powers and tools that they will need in order to proportionately regulate this provision in future.

The key considerations include whether Ofsted should have:

- Powers of entry to carry out announced or unannounced inspections of services.
- Powers to take enforcement action, such as issuing compliance notices to services that fall short of national standards.
- Powers to register providers and/or services and remove them from their register where appropriate.

In order to break this down into manageable policy questions to inform the development of models of Ofsted-led regulation, we have set out two potential models of future regulation below, and we invite input on the advantages and disadvantages of these. These models do not necessarily represent the only two options for Ofsted-regulation – they are intended to act as examples through which stakeholders can assess the benefits and suggest alternatives. We will use the input to develop a model which contains the key desired features stakeholders identify through their responses.

The key distinction between the two models is whether Ofsted registers and inspects at individual-setting level, where each setting is required to hold its own registration and be subject to regular inspection, or whether Ofsted registers and inspects at provider-level, where a provider that operates multiple settings is registered and is subject to an overall inspection which could sample its individual settings. Whether provision is registered at

provider level or setting level will have a significant impact on how Ofsted inspects them, and how enforcement powers are used. These models are explained in more details below.

Model 1 – a settings-based registration and inspection regime

An ‘individual-setting’ level registration and inspection regime could be similar to the one that already exists for children’s homes. Each provider would be registered by Ofsted. The provider would have to hold a separate registration for each setting that they run and appoint a manager that is accountable to Ofsted for the day-to-day operations of the setting – the manager would be subject to suitability and background checks. Ofsted would have powers of entry to settings in order to carry out inspections.

We would expect settings to share information with Ofsted, such as where there is a change of manager or incidents occur, for example where a child goes missing. Ofsted could carry out monitoring visits in between inspections to respond to any emerging issues and ensure the setting is still operating at a good standard. Where settings fall short of what is expected, Ofsted could have a range of enforcement actions to take. This could include issuing compliance notices in response to specific issues, or restricting new admissions where there are significant concerns.

This model would represent the most significant departure from how providers of independent and semi-independent provision are scrutinised now, as none of the measures set out above currently exist for independent and semi-independent provision.

Model 2 – a provider-based registration and inspection regime

Under this model Ofsted would register and inspect at ‘provider-level’. This would mean that where a provider operates multiple settings/addresses, they only need to carry registration for the overall provider. Anyone associated with the registration would need to pass suitability and background checks. We would expect providers to retain details of all of the settings that they are responsible for and would likely require the settings to have an appointed individual who is accountable for each setting, who would also be required to pass suitability and background checks. Providers would be required to keep Ofsted updated on any changes to the settings they operate and their management.

Ofsted’s inspection would look at the systems and arrangements that the provider put in place to uphold the national standards across all of their settings, such as requiring settings to share information on incidents in the home, and Ofsted would examine how these were implemented by carrying out a sample of inspections. Again, where providers fall short of what is expected, Ofsted could have a range of enforcement actions to take which could include issuing compliance notices in response to specific issues.

These represent the two ends of the potential spectrum of Ofsted registration and inspection. We welcome views on the merits of each of these models, but respondents are also encouraged to put forward views on alternative models of registration and inspection, and the types of things you would expect Ofsted to do/have in order to regulate this provision in future.

12) What do you think the main advantages would be of a model where Ofsted registers and inspect at individual-setting level (model 1)?

13) What do you think the main disadvantages would be of a model where Ofsted registers and inspect at individual-setting level (model 1)?

14) What do you think the main advantages would be of a model where Ofsted registers and inspects at provider level (model 2)?

15) What do you think the main disadvantages would be of a model where Ofsted registers and inspects at provider level (model 2)?

16) If you think an alternative model would be appropriate, please explain this.

How often should Ofsted inspect settings and/or providers?

Inspection is an important part of holding providers to account and ensuring that provision remains high quality and action can be taken where poor provision is uncovered. Ofsted inspection should complement, not replace, locally-led quality assurance and improvement arrangements for provision.

We must ensure that Ofsted inspection is proportionate, but frequent enough to provide sufficient oversight of the sector. This is usually determined based on risk. Where settings are delivering around the clock care for children who are often very vulnerable and have complex needs, we must have more frequent inspection in place to uphold standards and hold providers to account for delivering them. This is why children's homes are inspected annually. This is different for where Ofsted inspect the systems that a provider puts in place to oversee their own provision, such as Independent Fostering Agencies, which are inspected once within every three year window.

What matters here is that providers and/or settings are subject to a regime that upholds national standards, and where appropriate action can be taken against those who fall short.

**17) How often do you think providers and/or settings should be inspected?
Please explain your answer, including if you think this inspection should**

be at provider-level or individual-setting level, as set out in the previous question.

List of consultation questions

1. To what extent do you believe that each of these indicators is helpful in determining whether a provider is delivering 'care' or 'support'?
2. Please explain your answer
3. Do you agree that the Government should define all of this provision as 'supported accommodation for older children' in future?
4. Please explain your answer, including any alternative suggestions
5. Please provide examples of the types of independent or semi-independent provision that exist in the sector. For local authorities responding, this may be types of provision that you commission or, for providers, this may be a description of the service you offer. We are keen to hear a range of perspectives on this. These may be broad categories of provider types or bespoke examples.
 - a. What do you call the type of provision(s) that you use/deliver?
 - b. Could you tell us about the provision, including who the provision accommodates, and how the needs of those accommodated are met through different forms of support?
 - c. What are the positive features and characteristics of the provision that you would want to retain in future?
 - d. What are the negative features and characteristics of the provision that you would not want to retain in future?
6. Are there examples of where it would be appropriate to place a looked after child or care leaver aged 16 or 17 in a setting that does not deliver any care or support?
7. Please explain your answer
8. Are the proposed national standards missing anything that you would expect of any provider of independent and/or semi-independent provision?
9. Are there any elements of the proposed national standards that you think would be difficult for providers to implement?
10. Which elements of the proposed national standards do you expect would carry the most significant costs? Please explain your answer, providing estimates of cost where possible.
11. How much do you expect the costs of provision to increase by if these national standards are introduced? Please explain your answer, providing estimates of cost where possible.
12. What do you think the main advantages would be of a model where Ofsted registers and inspect at individual-setting level?

13. What do you think the main disadvantages would be of a model where Ofsted registers and inspect at individual-setting level?
14. What do you think the main advantages would be of a model where Ofsted registers and inspects at provider level?
15. What do you think the main disadvantages would be of a model where Ofsted registers and inspects at provider level?
16. If you think an alternative model would be appropriate, please explain this.
17. How often do you think providers and/or settings should be inspected? Please explain your answer, including if you think this inspection should be at provider-level or individual-setting level, as set out in the previous question.

Annex A: indicators of ‘care’ or ‘support’

Indicators of whether a setting is providing support or care

These indicators are used by Ofsted and providers to determine if a service needs to register as a children’s home, or if the service is providing support only and therefore does not need to register. This will become increasingly important in future as we begin to regulate independent and semi-independent settings/supported accommodation. These indicators are not exhaustive, but will be used to inform the development of guidance.

Indicators	Yes	No
Can young people go out of the establishment without staff’s permission?	Independent or semi-independent accommodation for older children	Care - likely need to register as a children's home
Do young people have full control of their own finances?	Independent or semi-independent accommodation for older children	Care - likely need to register as a children's home
Do young people have control over what they wear and the resources to buy clothes?	Independent or semi-independent accommodation for older children	Care - likely need to register as a children's home
Are young people in charge of meeting all of their health needs, including such things as arranging GP or specialist health care appointments? Are young people in full control of their medication?	Independent or semi-independent accommodation for older children (note that young people may ask for advice and help on their health, but if decisions rest with the young person, the establishment is not providing care)	Care - likely need to register as a children's home
Do staff have any access to any medical records?	Care - likely need to register as a children's home	Independent or semi-independent accommodation for older children
Can young people choose to stay away overnight without first seeking permission?	Independent or semi-independent accommodation for older children	Care - likely need to register as a children's home
Is there a sanctions policy that goes beyond house rules and legal sanctions that would be imposed on any adult?	Care - likely need to register as a children's home	Independent or semi-independent accommodation for older children
If the establishment accommodates both adults and young people, do those under 18 have any different supervision, support, facilities or restrictions?	Care - likely need to register as a children's home	Independent or semi-independent accommodation for older children
Are there regularly significant periods of time when young people are on the premises with no direct staff supervision?	Independent or semi-independent accommodation for older children	Care - likely need to register as a children's home
Do staff have any responsibility for aftercare once a young person has left?	Care - likely need to register as a children's home	Independent or semi-independent accommodation for older children

Indicators	Yes	No
Does the establishment's literature promise the provision of care or relate to specific care support provided to all residents?	Care - likely need to register as a children's home	Independent or semi-independent accommodation for older children
Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment?	Care - likely need to register as a children's home	Independent or semi-independent accommodation for older children

Annex B: The proposed national standards

The leadership and management standard

This standard should enable a young person to have confidence in the organisation providing their accommodation and support, and the people responsible for running it

The purpose and intent statement

The registered provider must ensure that a clear statement (the *purpose and intent statement*) of the core aims, purpose and function of the service is produced, updated, reviewed regularly and is accessible to all interested parties.

The purpose and intent statement should include:

- A Statement of the overall aims of the service, and the objectives to be achieved with regard to the young people being accommodated there. This should include details such as the age range, gender and numbers of young people the accommodation is to be provided for, whether the service is to provide any specialist accommodation or support, and the range of needs which the project intends to meet. This statement should cover how providers intend to manage the different risks young people in the setting present to each other and ensure that matching issues are considered in the admission of young people.
- A statement of the facilities and services to be provided for the young people accommodated at the service.
- The name and address of the registered provider
- The name of the registered provider and their relevant qualifications and experience.
- The number, relevant qualifications and experience of staff working at the service.
- The arrangements for the supervision, training and development of staff, and the organisational structure of the service.
- The arrangements in place for the management of referral and admission to the service including for emergency admissions i.e. whether these are offered, and how these are managed.
- Details of the provider's ethos, the outcomes it seeks to achieve, and its approach to achieving them.

- The arrangements in place to protect and promote the mental and physical health needs of young people at the service.
- The arrangements in place to support the development of skills which will enable the young person's transition towards independence.
- The arrangements in place to promote the young person's involvement in education, training or employment.
- The arrangements in place to ensure a young person is fully aware of their entitlements.
- A description of the accommodation offered by the service, including how the accommodation meets the accommodation standard.
- Details of who to contact if a person has a complaint about the service and how that person can access the relevant complaints policy.

The leadership and management standard

Each individual service must have an allocated person who is accountable for all elements of service delivery.

This allocated person must:

- Enable, inspire and lead a culture in relation to the service which:
 - helps young people aspire to fulfil their potential
 - helps young people build and develop the skills required to live independently; and
 - promotes their welfare.
- Lead and manage the service in a way that is consistent with the approach and ethos, and delivers the outcomes set out in the statement of purpose.
- Ensure that all young people in the service are fully aware of their entitlements and, where possible are encouraged to access them.
- Ensure that staff work as a team where appropriate.
- Ensure that staff have the experience, qualifications, and skills to meet the needs of each young person.

- Ensure that the service has sufficient staff to support and accommodate young people safely and effectively.
- Demonstrate that practice is informed and improved by considering and acting on:
 - Feedback on the experiences of young people, including complaints received
 - Feedback on the impact that the service has had on a young person's life, especially on how well-prepared they feel when moving on, and
 - Use of monitoring and review systems to make continuous improvements in the quality of support provided by the service.

Notification of a serious event

If a young person dies, the registered provider must without delay notify:

- HMCI (Ofsted)
- The placing authority
- The local authority in whose area the supported accommodation is located (if that local authority is not the placing authority)
- Each other relevant person.

If there is a referral of a person working in the home pursuant to section 35 (Regulated activity providers: duty to refer) of the Safeguarding Vulnerable Groups Act 2006(1), the responsible person must without delay notify:

- HMCI (Ofsted)
- The placing authority, and
- Each other relevant person.

The registered provider must notify HMCI (Ofsted) and each other relevant person without delay if:

- a young person is involved in or subject to or is suspected of being involved in or subject to, sexual or criminal exploitation.
- an incident requiring police involvement occurs in relation to a young person which the responsible person considers to be serious.
- there is an allegation of abuse against the service or a person working there.

A notification made:

- Must include details of—
 - The matter,
 - The other persons, bodies or organisations (if any) who or which have been notified; and
 - Any actions taken by the responsible person as a result of the matter;
- Must be made or confirmed in writing.

The protection standard

This standard should ensure that young people feel safe and their needs are met

The protection standard is to ensure all young people are protected from harm, enabled to keep themselves safe and their individual needs are met. This standard requires the responsible person to ensure:

- That staff have the necessary skills to identify and act upon signs that a child is at risk of abuse, neglect, exploitation, or any other risk that may cause a young person harm, and act to reduce this risk as effectively as possible.
- That staff work collaboratively with young people to ensure they understand how to keep safe and offer guidance and support on how to minimise any potential risks.
- That the accommodation, and all accessible areas of the service are designed, furnished, and maintained to remove avoidable hazards which could pose a health and safety risk.
- That a 'location assessment' is undertaken, with focus on any potential safeguarding concerns, and the accessibility of local services.
- That the service's child protection policies are monitored regularly.

Workforce plan

The protection standard requires the responsible person to ensure that a workforce plan is in place which sets clear expectations on the employment and recruitment of all staff, and must include statements to confirm:

- The responsible person has undertaken a fit and proper persons assessment.
- Every individual involved in delivering any part of the service to young people has undertaken an enhanced DBS check.
- That recruitment policies have been developed to ensure the safeguarding of young people, by carrying out all necessary pre-employment checks.

- The management and staffing structure, the experience and qualifications of staff currently working within the service and any further training required for those staff. This includes confirmation that staff understand the roles and responsibilities assigned to them in relation to protecting young people.
- The processes and agreed timescales for staff to complete induction, probation, and any core training, such as safeguarding, health and safety qualifications.
- The process for managing and improving poor performance.
- The process and timescales for supervision and monitoring of practice.
- Details of all how this information is recorded, in line with any other applicable legislation.

Location assessments

- The protection standard requires the registered provider to ensure that a location assessment has been completed and has identified the local area as a suitable location for the type of service provided. The location assessment should take into account:
 - Publicly available local data, such as local crime rates and the availability of amenities and services.
 - Consultation with appropriate local services such as the police, local authorities children's services, clinical commissioning groups and other relevant parties.
- This information should be used to produce a full risk assessment which also includes any relevant risk mitigation strategies to reduce potential risks.

The accommodation standard

This standard should ensure that young people experience a comfortable and secure environment.

The accommodation standard is to ensure that the accommodation, and physical premises used for the purpose of providing supported accommodation for young people:

- complies with all relevant aspects of legislation to ensure the service is designed, furnished, and maintained to remove all avoidable hazards;
- is suitable for its stated purpose, is accessible, safe and secure, well maintained and provides for the young person's individual and collective needs in a comfortable, positive and therapeutic environment, while respecting their privacy; and
- is adequately insured.

This standard requires the responsible person to ensure:

- That each young person is provided with a bedroom or self-contained area which is lockable and equipped to meet the individual's needs and lifestyle.
- There is space within each bedroom or self-contained area for a young person to house a reasonable number of personal possessions.
- A comfortable space is provided, either for shared or private use, in line with the service's statement of purpose.
- That, where a young person does not have access to basic essentials such as bedding, personal hygiene products and eating utensils, these are provided by the service.
- That each young person is provided a written agreement, in an accessible format which outlines their rights, the terms and conditions of the service and how they can complain.
- A good standard of decor and furnishings are maintained throughout the service, and within individual and shared living spaces.
- The building complies with all relevant health and safety legislation and fire regulations.
- That appropriate security checks and measures are in place to maintain a safe service for young people.
- That appropriate arrangements are in place for young people to access help in a crisis or emergency, 24 hours a day.
- A written statement is available which sets out the agreed protocol with regard to any incidents of criminal or violent behaviour at the service. This statement should ensure the safeguarding and protection of all young people and staff but must also be measured and proportionate, so as not to cause unnecessary criminalisation.
- An adequate level of insurance is provided for the service, its staff and the young people using the service.

The support standard

This standard should ensure that young people experience high quality, tailored support

The support standard is to ensure that all young people using the service receive individual and tailored support. The support package should be appropriate to a young person's needs, promote and support their independence and clearly identify the services contribution to meeting their needs.

This standard requires the responsible person to ensure:

- That young people are encouraged and enabled to take a lead role in the support they receive.

- That support plans are created from initial referral information, consultation with the young person and take account of other existing plans for the young person.
- That an information pack containing relevant information about the service is available for young people accommodated at the service. This information should be produced in user friendly formats which also address cultural and disability needs.
- That a formal plan is in place to support a young person to move on when ready for more independent living and that, where appropriate, an adequate level of support is available to the young person to assist with the next stage of transition.
- That the service is conducted in a way which is compliant with equality legislation and promotes the rights of young people.
- The service engages with other organisations and community services to encourage and enable young people to obtain a range of services such as advocacy organisations and training providers.
- Young people are enabled to maintain appropriate and safe relationships with family and friends.
- Young people are able to participate in and influence how the service operates.



Department
for Education

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